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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,921	08/20/2001	Roy Bates	HAMBE-10	4336

7590 09/23/2002

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EXAMINER

LAM, THANH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/931,921

Applicant(s)
Bates et al.

Examiner
Thanh Lam

Art Unit
2834



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a plurality of turns totaling at least 270° of direction change" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding limitation "a plurality of turns totaling at least 270° of direction change" in claims 7 and 13-14 are not clear that how the number of turns can be calculated to be at least 270° of direction change. Explain is required.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al.

Regarding claim 1, (see figs 1-5) Miller et al. disclose a motor housing assembly adapted to contain a motor wherein the motor comprises a fan (40) adapted to cool the motor by drawing air across it, the assembly comprising: an air inlet port (33), a shroud (19) to contain the motor within the housing, an air inlet passageway defining a path from the inlet port to the motor, an air outlet port (26), an air outlet passageway (26) separated from the inlet passageway and defining a path from the motor to the outlet port, and a cone (42) mounted in the outlet passageway and adjacent the fan, whereby air that is exhausted by the fan will flow in a laminar fashion around the cone and through the outlet passageway and outlet port.

Regarding claim 2, Miller et al. disclose the cone has a frusco-conical shape comprising a circular base (15), a circular top and a side wall, further wherein the side wall of the cone has a vertical cross-section with a convex curve.

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Regarding claim 3, Miller et al. (Figs. 4-5) disclose the inlet port has a first cross-sectional area and the outlet port has a second cross-sectional area and the first and second cross-sectional areas are substantially equal.

Regarding claim 4, Miller et al. (Figs. 4-5) disclose the fan comprises a central hub portion having a circular face and the circular face has substantially the same cross-sectional area as the circular top of the cone.

Regarding claim 5, Miller et al. disclose the diameter of the fan is larger than the diameter of the circular base of the cone.

Regarding claim 6, Miller et al. disclose a motor housing assembly adapted to hold a motor wherein the motor comprises a fan adapted to cool the motor by drawing air across it, the assembly comprising: an air inlet port (33), a shroud (19) adapted to contain the motor within the housing, an air inlet passageway defining a path from the inlet port to the motor, an air outlet port (26), an air outlet passageway separated from the inlet passageway and defining a path from the motor to the outlet port, and a cone mounted in the outlet passageway and adjacent the fan(40), wherein the cone has a bullet shape comprising a circular base and a side wall (42), further wherein the side wall of the cone has a vertical cross-section with a convex curve, whereby air that is exhausted by the fan will flow in a laminar fashion around the cone and through the outlet passageway and the outlet port.

Regarding claim 7, Miller et al. disclose a motor housing assembly adapted to hold a motor wherein the motor comprises a fan adapted to cool the motor by drawing air across it, the

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assembly comprising: an air outlet port, and an air outlet passageway defining a path from the fan to the outlet port, wherein the outlet passageway comprises a plurality of turns totaling at least 270° of direction change (inherently show on fig. 2 that the arrow indicated the outlet air turns from the fan 40 at least three times).

Regarding claim 8, Miller et al. disclose the outlet passageway further comprises walls padded with a sound-absorbing material.

Regarding claim 9, Miller et al. disclose the outlet passageway comprises three different turns of at least ninety degrees each.

Regarding claim 10, Miller et al. disclose the outlet passageway further comprises walls padded with a sound-absorbing material.

Regarding claim 11, Miller et al. disclose a housing having the air outlet port and air inlet port and wherein the air outlet port and air inlet port have substantially the same cross-sectional area.

Regarding claim 12, Miller et al. disclose a housing having the air outlet port and air inlet port and wherein the air outlet port and air inlet port have substantially the same cross-sectional area.

Regarding claims 13 and 14, Miller et al. disclose the outlet passageway comprises a plurality of turns totaling at least 270° of direction change.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.

A handwritten signature in black ink, appearing to read 'Thanh Lam', with a stylized, cursive script.

Thanh Lam

Patent Examiner